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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,540	01/25/2000	Shlomo Kipnis	NDS-300.USA	7274

7590

12/03/2002

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EXAMINER

BUI, THACH H

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

**Office Action Summary**

Application No.

09/490,540

Applicant(s)

KIPNIS ET AL.

Examiner

Thach H Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-25 is/are allowed.
- 6) ☒ Claim(s) 1-11, 13 and 26 is/are rejected.
- 7) ☒ Claim(s) 12, 14 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5.                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Applicant's prior art citation filed May 19, 2000 and October 21, 2002 have been received, considered and placed of record.

### ***Specification***

2. The abstract of the disclosure is objected to because a proper abstract should be in one paragraph form and contains 150 words or less. Correction is required.
3. The specification is objected to because it contains a public domain ([www.mondex.xom](http://www.mondex.xom) and [www.mondexusa.com](http://www.mondexusa.com)). Correction is required.
4. Claim 27 is objected to because of the following informalities: the claim includes "respectfully submitted". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 is vague and indefinite because "authorization identity receiving apparatus operative to receive a signal indicating that a new user is to be considered an authentic authorization control user" renders the claim unclear. Should it be

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"authorization identity receiving apparatus operative to receive a signal indicating that a new user is to be considered as an authentic authorization control user"? See claim 11 for the same informality.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 11-27-02
5. <sup>1-11, 13, and 26</sup> Claims ~~4~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr.

As per claims 1 and 13, Sehr teaches a portable transaction device comprising a transaction apparatus operative to participate in a monetary transaction (see Figure 1). Sehr also teaches an authorization means/apparatus to authorize the transaction (column 5, lines 20-27). Sehr does not explicitly mention a control apparatus operative to store the stored authorization parameters. However, Sehr teaches databases in gathering/storing, organizing, displaying, evaluating, manipulating, processing, and exchanging of data and information (column 4, line 66- column 5, line 13). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to understand that the system, as taught by Sehr, contains a control apparatus to store authorization parameters and/or information. Sehr further teaches stored information/authorization parameters by the databases comprising an identity of a user, a time period, and a distance (column 5, lines 29-35) (column 5, lines 7-13).

As per claim 2, the claim contains features addressed in claim 1, and therefore, is rejected under the same rationale. In addition, Sehr a storage apparatus operative to store an identity of at least one authentic authorization control user (column 5, lines 43-63) (column 5, lines 29-35) in determining whether a user of the portable transaction device is an authentic authorization control user.

As per claim 3, Sehr teaches an input device (column 5, lines 58-62).

As per claims 4-9 and 11, the claims contain features addressed in the above claims, and therefore, are rejected under the same rationale. Sehr does not explicitly mention an input device comprising a password input device and a fingerprint input device. However, Sehr teaches an input device comprising a keyboard, and a touch screen; therefore, it would have been obvious to one having ordinary skill in the art to modify the system, as taught by Sehr, to have a password input device and a fingerprint input device.

As per claim 10, Sehr does not mention explicitly a storage control apparatus has a maximum storage capacity. However, Sehr teaches a storage capacity (multiple databases) to store information. Therefore, it would have been obvious to one having ordinary skill in the art to realize that the system, as taught by Sehr, has a maximum storage capacity.

As per claim 26, the claim contains features addressed in claim 1, and therefore, is rejected under the same rationale.

***Allowabl Subject Matter***

6. Claims 12 and 14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claim 27 would be allowable if rewritten to overcome the minor claim objection, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
8. Claims 15-25 are allowed.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sehr (Patent No. 5,566,327, 6,085,976, 6,386,451) and Kawan are cited of general interest.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

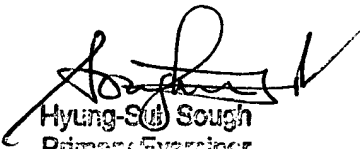
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

T.B.  
November 21, 2002

  
Hyung-Su Souh  
Primary Examiner